

REMARKS

In the aforesaid Office Action, claim 26 was rejected under 35 USC 112, second paragraph, claims 26, 28-29, 34 and 35 were rejected under 35 USC 102(b) as being anticipated by Wang et al. (US 5,556,383), and claims 30-33, 36 and 37 were rejected under 35 USC 103(a) as being unpatentable over Wang et al. alone. Claims 26 and 28-37 are pending.

Applicants appreciate the courtesies extended by the Examiner in the telephone interview of June 7, 2006 between the Examiner and Applicant's representative, Priscilla Morrison. Applicant's summary of the interview follows. The rejection under 35 USC 112, second paragraph, and Claim 26 and the Wang et al. reference were discussed. Regarding the rejection under 35 USC 112, second paragraph, the Examiner stated that confirmation of the meaning of the terminology "nominal outer diameter" and "nominal pressure" is required. Regarding the rejection of claim 26 based on Wang et al., Applicants agreed to specifically point out structural features in claim 26 not found in the teaching of Wang et al. Applicants stated that the outer diameter of the balloon, and specifically the requirement that the balloon has an outer diameter with a radial shrinkage of greater than 0% but less than 10% is a structural feature not disclosed or suggested by Wang et al. The Examiner reserved judgment until consideration of this Response.

The Examiner rejected claim 26 under 35 USC 112, second paragraph, stating that it is clear that "the inner diameter of the balloon mold" is the same as the nominal outer diameter of the balloon, and "an inflation pressure required to fill the blow-molded

inflated volume at an ambient temperature” is the same as the nominal pressure of the balloon, but that clarification is required. Applicants hereby confirm that the inflation pressure required to fill the blow-molded inflated volume at ambient temperature is the same as the nominal pressure of the balloon, and that the inner diameter of the balloon mold is the same as the nominal outer diameter of the balloon for a balloon having 0% radial shrinkage (whereas for a balloon having a radial shrinkage value of greater than 0%, the radial shrinkage value is the difference between the inner diameter of the balloon mold and the nominal outer diameter of the balloon).

Regarding the rejection of the claims based on Wang et al., the Examiner states that Wang et al. discloses balloons (examples 1-2) having radial distention % or shrinkage % less than 10% as measured by a difference from the inflated outer diameters of the balloons/nominal diameters (2.25mm in example 1; 3mm in example 2) and the inner diameters of the molds/nominal outside diameters of the balloons at ambient temperature (2.25mm in example 1; 3mm in example 2), when inflated to a nominal pressure (88 psi/6 atm). The Examiner further states that a claimed product cannot be patentable over another product having the same structure limitations even though the two products are created by different processes, and that there is no substantial difference in the structural limitations between the claimed balloon and the balloon disclosed by Wang ‘383.

However, the outer diameter of the balloon is a physical attribute of the balloon, and thus is a structural limitation. Specifically, Applicant’s claim 26 requires that the balloon has an outer diameter when inflated at the nominal pressure after a shrinking

treatment which is less than the inner diameter of the balloon mold (i.e., the nominal outer diameter of the balloon before the shrinking treatment) by an amount which is greater than 0% but less than 10%. In contrast, as set forth by the Examiner, Wang discloses a balloon having an outer diameter when similarly inflated to the nominal pressure which is equal to the inner diameter of the balloon mold. Thus, irrespective of the process used to form the balloons, the requirement in Applicant's 26 that the balloon has an inflated outer diameter at the pressure required to fill the blow-molded inflated volume after exposure to a shrinking treatment which is less than the inner diameter of the balloon mold is a structural requirement not disclosed or suggested by Wang. Put another way, Applicant's claim 26 requires that the inflated outer diameter radial shrinkage is greater than 0% but less than 10% (i.e., at the nominal inflation pressure, the balloon inflated outer diameter after the shrinking treatment is less than the balloon inflated outer diameter before the shrinking treatment by an amount which is greater than 0% but less than 10%).

The Examiner states that in addition, Wang (at col. 1, lines 41-45) discloses "non-compliant" balloons which are least elastic having a diameter change in a range of 2%-7% as the balloons are pressurized from a pressure from 6-12 atm, and thus it is clear that the well-known inelastic balloon are very dimensional stable and meet the requirement of the balloon as recited in the claims.


However, the disclosure of Wang referred to by the Examiner relates to the growth of the balloon as the inflation pressure is increased to pressures above the nominal inflation pressure. In contrast, Applicant's claim 26 requires dimensional stability at the

nominal pressure, as discussed above. Therefore, although Wang does disclose non-compliant balloons which have a limited 2-7% diameter increase as the balloons are pressurized above nominal (e.g., above 6 atm), Wang does not disclose or suggest a balloon having a radial shrinkage of less than 10% but greater than 0% as required by Applicant's claim 26.

Applicant respectfully requests reconsideration, and issuance of a timely Notice of Allowance.

Respectfully submitted,

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